

JAMES F. RUST, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS
TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT
IN THE CASE OF JAMES F. RUST, ADMINISTRATOR OF ISAAC
RUST, DECEASED, AGAINST THE UNITED STATES.

JANUARY 21, 1904.—Referred to the Committee on War Claims and ordered to be
printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 19, 1904.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883, known as the Bowman Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 3417. James F. Rust, administrator of Isaac Rust, deceased, v. The United States.]

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Isaac Rust, deceased, the person alleged to have furnished such supplies or stores or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed October 26, 1903.

[Court of Claims. Congressional case No. 3417. James F. Rust, administrator of estate of Isaac Rust, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 30th day of March, 1883.

On a preliminary inquiry the court, on the 26th day of October, 1903, found that the person alleged to have furnished the supplies or stores or from whom they were alleged to have been taken was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 7th day of January, 1904. C. A. Brandenburg, esq., appeared for claimant, and the Attorney-General, by W. W. Scott, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing at or near Tracy City, Tenn., and for cause of action herein states as follows:

I. That he is the administrator of the estate of Isaac Rust, deceased, duly appointed, qualified, and acting.

II. That during the late war of the rebellion said Isaac Rust was a citizen of the United States, residing in Grundy County, in the State of Tennessee, and during the whole period covered by said war said Isaac Rust was loyal to the Government of the United States and did not give any aid or comfort to the rebellion.

III. That two separate claims on behalf of said Isaac Rust were presented to the Quartermaster-General and to the commissioners of claims, as follows:

First. Upon, to wit, August 2, 1870, a claim as set forth below was presented to the Quartermaster-General:

120 barrels corn, at \$3, \$360, and 1 gray mare, worth \$150, taken on or about July 15, 1862, near the town of Pelham, Grundy County, Tenn., by Major-General Buell.....	\$510
120 barrels of corn, at \$3, taken on or about August 15, 1863, near said town by Brigadier-General Wagner.....	360
1 brown mare, taken on or about January, 1864, near the town of Fosterville, Bedford County, Tenn., by Brigadier-General Slocum.....	150
Total.....	1,020

The Quartermaster-General investigated the claim and disallowed it on the ground that the evidence as to the nature and value of the property taken was not sufficiently definite to form the basis of an account as to the corn, and that it was not shown that the two animals were taken by proper authority.

Second. A claim consisting of the following items alleged to have been taken from Isaac Rust by various officers under the command of Brigadier-General Wagner on or about July 15 and October 10, 1863, was presented to the commissioners of claims on, to wit, July 28, 1871:

15,075 pounds pork, at 12 cents, by Captain Bedford.....	\$1,709
2,500 pounds beef, at 8 cents, by Captain Stackpole, of the Fifth Indiana....	200
1,300 pounds pork, at 12 cents, by Lieutenant Ralston, of the Fifth Tennessee Cavalry.....	156
Total.....	2,065

The commissioners of claims considered the claim and rejected it because not satisfied of the claimant's loyalty.

The two claims aggregate in amount the sum of \$3,085, and the claim for that amount is now presented to your honorable court.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACTS.

There was taken from the claimant's decedent, in the county of Grundy, State of Tennessee, during the war for the suppression of the rebellion by the military forces of the United States, for the use of the Army, property of the kind and character above described, which was then and there reasonably worth the sum of two thousand and sixteen dollars (\$2,016), for which no payment appears to have been made.

BY THE COURT.

Filed January 11, 1904.

A true copy.

Test this 18th day of January, 1904.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.